Calendar No. 941

97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-653

AUTHORIZING THE STATES AND THE INDIAN TRIBES TO ENTER INTO MUTUAL AGREEMENTS AND COMPACTS RESPECTING JURISDICTION AND GOVERNMENTAL OPERATIONS IN INDIAN COUNTRY

OCTOBER 1 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. COHEN, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 563]

The Select Committee on Indian Affairs, to which was referred the bill (S. 563) to authorize the States and the Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 4, strike out lines 3 through 12 and insert in lieu thereof the following:

> (b) (1) Any agreement or compact entered into under subsection (a) relating to the enforcement of any civil or criminal law shall expire on the date which is 3 years after the date on which such agreement or compact is entered into. Any other agreement entered into under subsection (a) shall expire on the date which is 5 years after the date on which such other agreement or compact is entered into.
>
> (2) Any agreement or compact entered into under subsection (a) shall be subject to revocation by any party to such agreement or compact. Such revocation shall take effect on the earlier of—
>
> (A) the date which is 180 days after the date on which written notice of revocation is provided to each party to such agreement or compact, or
>
> (B) any date which is agreed to by all of the parties to such agreement or compact.

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(3) Upon the expiration or revocation of any agreement or compact, the parties to such agreement or compact may enter into a different agreement or compact under subsection (a) or may renew such agreement or compact.

(4) For purposes of this Act, the renewal of any agreement or compact entered into under subsection (a) shall be treated as the entering into of a separate agreement or compact and shall be subject to the same limitations and requirements applicable to a new agreement or compact under this section.

2. On page 4, between lines 19 and 20, insert the following:

(d) Any State entering into an agreement or compact with an Indian tribe under subsection (a) shall publish, prior to the date on which such agreement or compact takes effect, in a newspaper of general circulation within the geographical area with respect to which such agreement or compact is applicable—

(1) the text of such agreement or compact, and

(2) the rules and procedures under which individuals may request the State to hold a special election under subsection (e)(2).

(e)(1) Any agreement or compact entered into by an Indian tribe and a State under subsection (a) which is applicable with respect to any portion of Indian country shall not apply to individuals residing wihin such portion of Indian country who are not Indians if—

(A) such agreement or compact is disapproved by a majority vote of those individuals voting in a special election held under paragraph (2), or

(B) the State fails to meet any requirements of this subsection or subsection (d).

(2)(A) A State entering into an agreement or compact under subsection (a) which is applicable with respect to any portion of Indian country shall hold a special election to determine whether individuals residing within such portion of Indian country who are not Indians approve or disapprove of such agreement or compact within 30 days after the date on which the appropriate State official has received petitions requesting such an election which—

(i) are signed by at least 15 percent of the individuals who would be eligible to vote in such an election, and

(ii) are in the form approved by the State under paragraph (3).

(B) Any individual who—

(i) resides in any portion of Indian country,

(ii) is not an Indian, and

(iii) is registered to vote in any election held by a State,

shall be eligible to vote in any special election held by such State under subparagraph (A) with respect to an agreement or compact entered into under subsection (a) which is applicable with respect to such portion of Indian country.

(C) In determining whether the requisite number of signatures under subparagraph (A) have been obtained with

respect to a petition for a special election, the State shall not take into account—

(i) any signatures on any petition received by the appropriate State official after the date which is 30 days after the date on which the form of such petition was approved, and

(ii) any signature of an individual eligible to vote in such a special election which is not certified as being authentic by any other individual eligible to vote in such a special election.

(D) The State holding a special election under subparagraph (A) shall either—

(i) pay the expenses incurred in holding such special election, or

(ii) require all individuals who requested approval under paragraph (3) of the form of any petition which was taken into account under subparagraph (A) to pay such expenses.

(3) The State shall approve the form of any petition which requests the State to hold a special election under paragraph (2)(A) with respect to an agreement or compact if—

(A) the phrasing of such request in the petition would be readily understandable to the public, and

(B) the petition is submitted for approval to the appropriate State official within the 7-day period beginning on the date on which the text of such agreement or compact is published under subsection (d).

3. On page 4, line 20, strike out "(d)" and insert in lieu thereof "(f)".

4. On page 5, line 3, strike out "(e)" and insert in lieu thereof "(g)".

5. On page 6, line 6, strike out "(f)" and insert in lieu thereof "(h)".

PURPOSE

This bill is intended to serve as a Federal enabling statute authorizing Indian tribes and States and their political subdivisions to enter into compacts and agreements between themselves on matters relating to: (1) the enforcement or application of civil, criminal, and regulatory laws of each within their respective jurisdictions; (2) allocation of determining of governmental responsibility over specified subject matters or specified geographical areas, or both; and (3) agreements or compacts which provide for the transfer of jurisdiction of individual cases from tribal courts to State courts or State courts to tribal courts in accordance with procedures established by the laws of the tribes and the States.

BACKGROUND AND NEED

There are a growing number of areas in which States and Indian tribes have found their jurisdiction or authority in conflict and are

discovering subject areas in which the mutual advantage of each is served or potentially can be served by entering into compacts or agreements. In addition to enforcement of criminal laws, there are problems in matters involving delivery of social services, regulation of land use, application of building codes, regulation of land use, application of building codes, regulation of hunting and fishing, maintenance of air and water quality, energy development and mineral exploitation, protection of timber resources, and taxation. To the extent these agreements involve jurisdictional questions, a flexible vehicle is needed to enable the parties to tailor comprehensive solutions that meet their individual needs. It is this function that S. 563 is intended to perform.

An extensive discussion of the law currently governing the jurisdictional authorities of the States and tribes and its effect on the ability of the States and tribes to enter into jurisdictional agreements is set forth in the "Background and Need" section of the Report of this Committee to accompany S. 1181, the predecessor bill in the 96th Congress.

SUMMARY OF MAJOR PROVISIONS

S. 563 is divided into three Titles. Title I extends general authority of the United States to Indian tribes and the States and their political subdivisions to enter into compacts or agreements relating to (1) the enforcement or application of civil, criminal, and regulatory laws of each within their respective jurisdiction, (2) allocation or determination of governmental responsibility of States and tribes over specified matters or specified geographical areas, or both, and (3) agreements or compacts which provide for transfer of jurisdiction of individual cases from tribal to State courts or vice versa pursuant to established legal procedures.

The Act does not authorize a State or political subdivision of a State nor an Indian tribe to enter into any agreements not authorized by their own constitutions or laws, nor does it authorize any agreements or compacts between a State or a tribe which may result in financial encumbrance of any trust asset. It does authorize agreements which a tribe and State may enter into agreements relating to zoning or land use, conservation, fish management, et cetera.

The Act would also provide authority to appropriate not to exceed $10 million for the first fiscal year of operation, and such sums thereafter as may be necessary to carry out the purposes of the Act. There funds would be for purposes of underwriting the expenses of either a tribe or a State in assuming new jurisdictional responsibilities.

Title II of the Act would authorize appropriation of funds under the provisions of the Snyder Act of 1921 (25 U.S.C. 13) to provide tribes with resources to develop tribal monitoring and planning boards and underwrite expenses in connection with attendance at meetings among themselves or with States.

Title III provides for enforcement of Tribal-State Agreements through Federal courts.

LEGISLATIVE HISTORY

This legislation was originally introduced as S. 2502 by Senator James Abourezk in the 95th Congress. Hearings were held on March 9 and 10, 1978. The bill was reported out of the Select Committee on

August 11, 1978, and passed by the Senate. A similar bill, H.R. 11489, was introduced by Congressman Teno Roncalio on March 13, 1978, but no action was taken by the House on either bill.

In the 96th Congress this legislation was again introduced as S. 1181 by Senator DeConcini. Hearings were held in Phoenix, Arizona on Sept. 1, 1979, and in Washington, D.C. on March 17–19, 1980. It was reported out of the Select Committee on Indian Affairs on May 15, 1980, and passed by the Senate. No action was taken on the bill by the House.

The bill was again introduced as S. 563 in the 97th Congress by Senator DeConcini on Feb. 24, 1981. Hearings were held on May 11, 1981. Congressman Bereuter of Nebraska has introduced companion legislation (H.R. 5001) in the House with approximately 20 co-sponsors. Hearings were held by the House Interior and Insular Affairs Committee on March 18, 1982.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, by a majority vote of a quorum present at a business meeting on August 18, 1982, recommends that the Senate pass S. 563, as amended.

COMMITTEE AMENDMENTS

The Select Committee on Indian Affairs adopted two amendments to the bill. The amendments are as follows:

1. Section 101(b) is amended to delete the provision requiring a tribal referendum on any agreement from which the tribe could not withdraw within a five year period of time. The amendment would provide in lieu thereof for a periodic expiration date of 3 years for agreements relating to criminal jurisdiction and 5 years for agreements relating to other types of agreements.

2. Two new subsections are added to Section 101 to provide a process by which non-Indians who might be affected by an agreement proposed by a state or local government with an Indian tribe could call for a referendum of the non-Indian populace. By a majority vote, the non-Indian residents that would be affected by the agreement may reject its application to them.

SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that this Act may be cited as the "Tribal-State Compact Act of 1982."

Section 2. This section is a reaffirmation of the policy of the United States to continue to preserve and protect the tribes of the American Indian people.

Section 3. This section contains definitions and is generally self-explanatory.

Title I—Authorization of compacts and agreements

Sec. 101(a).—This section extends general authority of the United States to Indian tribes and the States and their political subdivisions to enter into compacts or agreements relating to (1) the enforcement or application of civil, criminal, or regulatory laws of each within

their respective jurisdiction, (2) allocation or determination of governmental responsibility of States and tribes over specified matters or specified geographical areas, or both, including agreements or compacts which provide for transfer of jurisdiction of individual cases from tribal to State courts or vice versa pursuant to established legal procedures.

Sec. 101(b).—This section provides for a periodic expiration date of 3 years for agreements relating to criminal jurisdiction and 5 years for agreements relating to other types of agreements.

Sec. 101(c).—This section is self-explanatory.

Sec. 101(d).—This section requires that notice of any proposed agreement be published in a newspaper of general circulation in the area to be affected before the agreement goes into effect.

Sec. 101(e).—This section provides for a referendum of non-Indian residents in an affected area upon petition of 15% of the non-Indian residents.

Sec. 101(f).—This section is self-explanatory.

Sec. 101(g).—This section provides limitations on the construction that may be placed upon this act and provides four categories of agreements which are not authorized under the terms of the legislation. Subpart (1) makes clear that this Act itself does not alter the present jurisdictional framework in Indian country. It authorizes the tribes and States to enter into compacts and agreements with each other, but it does not alter by itself the basic framework within which the tribes, States, and the United States exercise authority. Subpart (2) provides that the authority of the United States to enforce criminal laws in Indian country cannot be altered by any agreement of the States and tribes under this act. Subpart (3) makes it clear that this act is not vesting States with authority not given them in their own constitutions nor is it vesting political subdivisions of States with authority not vested in them in the laws of the States which created them. Similarly this act does not vest in the governments of Indian tribes authority which is not given them in their tribal constitutions.

Subpart (4) tracks the language presently included in title IV, section 402, of the 1968 Civil Rights Act (25 U.S.C. 1322), with certain important differences. As written subpart (4) does not authorize any agreements or compacts between a State or tribe which may result in financial encumberance of any trust asset, but it does authorize agreements which a tribe and State may enter into regulating the use of the trust asset. Thus tribes and States will be free to enter into agreements relating to zoning or land use, conservation, fish management, et cetera. However, agreements involving taxation of trust assets would not be authorized.

Subpart (5) is added to make clear that the intent of this Act is not to authorize the wholesale transfer of the general civil or criminal jurisdiction Indian tribes to States without compliance wtih the requirements of title IV of the 1968 Civil Rights Act providing for a referendum.

Sec. 101(h).—This section makes clear that nothing in this Act is intended in any way to affect the right or authority of the United States, States or Indian tribes to negotiate settlements of outstanding Indian claims.

Funding and implementation—Federal assistance

Sec. 102(a).—This section provides that the Secretary of the Interior may provide financial assistance to the parties to any tribal-state compact for costs of personnel or administrative expenses in an amount up to 100 percent of the costs actually incurred. A flexible standard is set forth to provide guidelines for this determination or whether or not to provide such assistance and in what amount. The assistance which is provided for in this section is limited to personnel and administrative costs. It is not the intent of this section to authorize expenditures on capital assets or acquisition of equipment or property.

Sec. 102(b).—This section is self-explanatory. The purpose of this section is to insure that both parties to the agreement are fully aware of the funding which the other proposes to seek. This provides a check on applications for assistance which may be excessive and provides an intelligent base for a party to determine whether it would prefer to retain jurisdiction over the function in question.

Sec. 102(c).—This section is self-explanatory. It complements section 102(b) in that it provides a means for ongoing monitoring by the parties to the agreement.

Sec. 102(d).—This section is self-explanatory.

Sec. 102(e).—This section is self-explanatory.

Sec. 102(f).—This section is self-explanatory.

Sec. 102(g).—This section authorizes an appropriation not to exceed $10 million for the first fiscal year of operation, and such sums thereafter as may be necessary to carry out the purposes of this title. The Secretary is directed to maintain separate records of funds expended under this authority. It is the intent of this section that funds appropriated under this authority be utilized as a secondary funding source. Funds should first be sought under the provisions of section 102(d).

Title II—Planning and monitoring boards

Sec. 201(a).—This section is self-explanatory.

Sec. 201(b).—This section is self-explanatory.

Sec. 201(c).—This section is self-explanatory.

Title III—Judicial enforcement

Sec. 301.—This section is self-explanatory.

COST AND BUDGETARY CONSIDERATION

The cost estimate for S. 563, as amended, as provided by the Congressional Budget Office, is outlined below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 30, 1982.

Hon. WILLIAM S. COHEN,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 563, the Tribal-State Compact Act, as ordered reported by the Senate Select Committee on Indian Affairs, August 18, 1982.

Title I of this bill authorizes Indian tribes and states to enter into compacts and agreements regarding enforcement or application of civil, criminal, and regulatory laws and other governmental responsibilities. The Secretary of the Interior may provide financial assistance to the relevant governmental agencies for the personnel and administrative costs that result from such compacts under certain specified conditions.

Title II of this bill directs the Secretary to encourage states and Indian tribes to establish representative councils to discuss matters of governmental jurisdiction and to provide financial assistance for certain costs incurred by such councils.

The bill authorizes up to $10 million in fiscal year 1984 and such sums as may be necessary in subsequent fiscal years for the purposes of Title I. In addition, the bill authorizes the utilization of funds appropriated pursuant to the Act of November 21, 1921, to carry out the purposes of Title II. That Act authorizes the Secretary of the Interior, through the Bureau of Indian Affairs, to expend funds appropriated for the purpose of benefiting Indians.

There is little basis for projecting the number of agreements that are likely to be reached between states and Indian tribes, or the potential cost of implementing such agreements. However, the small number of organized tribal groups of significant size (only about 40 tribes have over 280 members) and the limited scope of activities expected to be covered by such agreements indicate that the costs of implementing Title I may well be less than the $10 million authorized for fiscal year 1984 and are not likely to exceed that amount in the next few years. Similarly, payments for administrative support authorized in Title II are not expected to exceed $1 million annually.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill.

The Committee believes S. 563 will have a minimal regulatory impact. The restrictions on the nature of agreements that may be entered into under this Act are spelled out in the Act itself.

The Secretary of the Interior has no statutory obligation to review agreements unless one of the parties applies to the United States for funding under Section 102. Regulations for implementation of this Act will spring principally from this section.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior and the Department of Justice setting forth Executive agency recommendations relating to S. 563 are set forth below:

U.S. DEPARTMENT OF JUSTICE,
ASSISTANT ATTORNEY GENERAL, LEGISLATIVE AFFAIRS,
Washington, D.C., May 14, 1981.

Hon. WILLIAM S. COHEN,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for this Department's views on S. 563, a bill "to authorize the States and the Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian Country."

As you know, this Department supported the concept of the current bill's previous versions (S. 1181, 96th Congress, 1st Sess. and S. 2502, 95th Congress, 2d Sess.) but suggested certain technical changes in the language of those bills. The current version of the bill has incorporated those suggestions and we therefore have no comments to make and we defer to the Department of the Interior's views on whether the bill should be enacted.

Sincerely,

MICHAEL W. DOLAN,
Acting Assistant Attorney General.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 8, 1981.

Hon. WILLIAM S. COHEN,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. COHEN: This responds to your request for our views on S. 563, a bill "To authorize the States and the tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian Country."

We recommend the enactment of S. 563 with the amendments suggested herein.

S. 563 would authorize the States and Indian tribes to enter into agreements and compacts respecting jurisdiction and governmental operations in Indian country. It is substantively identical to S. 1181 in the 96th Congress as passed by the Senate.

Title I of S. 563 would authorize jurisdictional agreements and compacts between States and Indian tribes. It would also permit the Secretary of the Interior to provide financial assistance for the implementation of such agreements and compacts. Title II of the bill would direct the Secretary to encourage the establishment of joint tribal-State organizations to confer on jurisdictional questions existing between the parties. Title III of the bill would grant Federal district courts jurisdiction over civil actions brought by the parties to enforce agreements and compacts authorized by the bill.

The United States Supreme Court has consistently held that State jurisdiction over tribal members or infringement on the self-governing power of a tribe is permissible only with the consent of the Congress. A tribal council may not unilaterally grant a State any jurisdiction over tribal members. See *Kennerly* v. *Montana District Court*, 400 U.S. 423 (1971).

The bar to State jurisdiction on Indian reservations has, however, been modified by the Court where essential tribal relations are not involved and the rights of Indians are not jeopardized thereby. Thus, suits by Indians against non-Indians have been permitted in State courts and those courts have been permitted to try non-Indians who commit crimes against each other on a reservation. With respect to criminal jurisdiction, however, States do not exercise jurisdiction over offenses committed by Indians and Indian tribes do not exercise jurisdiction over offenses committed by non-Indians.

Absent governing acts of Congress, the question has been whether State action infringes on the right of reservation Indians to make their own laws and be ruled by them. *William* v. *Lee*, 358 U.S. 217 (1959). In *Williams*, the Court held that a non-Indian operator of a store on an Indian reservation could not sue in State court to collect for goods sold to an Indian at that store.

It has been held that States may not, absent Congressional consent, tax income of reservation Indians earned solely on the reservation. *McClanahan* v. *Arizona*, 411 U.S. 164 (1973). Nor may a State impose personal property taxes, licensing fees, or sales taxes on reservation Indians. It may impose sales taxes on non-Indian purchases on the reservation, however. *Moe* v. *Salish & Kootenai Tribes*, 425 U.S. 462 (1976). An act of Congress granting certain States civil jurisdiction over Indians within Indian country was held not to grant any power to tax Indians. *Bryan* v. *Itasca Country*, 426 U.S. 373 (1976).

In another case, a tribal court was held to have exclusive jurisdiction over an adoption proceeding in which all parties were tribal members and reservation residents even though the child involved had been born off-reservation. *Fisher* v. *Montana District Court*, 424 U.S. 382 (1976). Nor could the State exercise jurisdiction over an Indian who resided on a reservation, even though the tribal court had adjudicated her mentally ill and ordered her committed to the State Human Services Center. *White* v. *Califano*, 437 F. Supp. 543 (D.S.D. 1977) aff'd 581 F.2d 697 (8th Cir. 1978).

The exclusive jurisdiction of tribal courts, and the consequent denial of access to States courts, has been challenged as impermissible racial discrimination. However, the Supreme Court has held that the tribal court's jurisdiction derives not from the race of the parties but from the quasi-sovereign status of a tribe. *Morton* v. *Mancari*, 417 U.S. 535 (1974). Occasional denial of a forum to which a non-Indian has access is justified, the Court said, because it is in furtherance of the benefits of the congressional policy of Indian self-government. *Fisher* v. *District Court*, 424 U.S. 382, 390–391 (1976).

Enactment of S. 563 would provide clear authority for jurisdictional agreements between Indian tribes and States. The use of these intergovernmental agreements would be an effective tool for resolving complex problems and issues facing both parties.

S. 563 would not enlarge or diminish the governmental powers of States or Indian tribes. It would simply allow those entities to allocate between themselves certain governmental responsibilities. Agreements would thus vary as the circumstances demand and the participants determine to be best. Allocation of responsibilities by the involved parties would be consistent with the policy of Indian self-determina-

tion and is, we believe, preferable to the allocation of such responsibilities by the Federal Government.

S. 563 would not provide that agreements and compacts must be approved by the Secretary of the Interior. Many agreements, however, would undoubtedly involve tribes with constitutional provisions requiring Departmental approval of any tribal resolution relating to the administration of justice. Where such a requirement applies to a tribal resolution implementing an agreement or compact, that resolution would, of course, be subject to Departmental approval. Agreements involving tribes that have no such constitutional requirement would not be subject to such approval. Appearance of the Secretary's signature on an agreement or compact for purposes of publication in the Federal Register, as required by section 101(c), would not constitute Departmental approval of such agreement or compact.

Title I of S. 563 would also provide, upon agreement by the Secretary, for Federal financial assistance for the implementation of agreements and compacts authorized by the bill. We note that agreement by the Secretary cannot carry with it any obligation for funding beyond those funds available to the Secretary under the Appropriations Acts for the year in which the Secretary's agreement is given.

As already stated, we support a Congressional grant of authority for State and tribal governments to enter into compacts; however, we do not support the authorization of financial assistance, as provided by section 102, to pay for personnel, administrative, and indirect costs resulting from such compacts. Since the bill does not involve any shift of Federal responsibilities to the parties, but is rather a redistribution of existing responsibilities among the parties, we see no justification for Federal funding of strictly State and local activities. At a time when both Congress and the Administration are striving to curb Federal financial obligations, we believe that the enactment of this additional financial assistance would both set a costly precedent and be unwarranted. However, we would not object to the retention of the provisions of section 102(d), which would facilitate funding of compact functions through existing agency programs, if amended by adding before the period at the end thereof the following: "in accordance with statutes and regulations governing the use of such funds". This would make clear that the funds could not be used for activities other than those intended by other authorizing and appropriations legislation.

With respect to Title II, section 201(a) and (b), we recommend that the Secretary's authority with respect to the planning and monitoring boards authorized by Title II be made discretionary instead of mandatory. Accordingly, the words "and directed" should be deleted from lines 20 and 21 on page 9 and line 4 on page 10 of the bill.

In addition, to avoid any inference that the Congress is determining that all Alaska Native villages included in the Alaska Native Claims Settlement Act are exercising powers of self-governments, we recommend that section 3(1) on page 2, be amended to read as follows:

"(1) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act (85 Stat. 688–689)) which is exercising powers of self-government and which is recognized by the Secretary of the Interior as eligible for

services provided by the United States to Indians because of their status as Indians."

With the inclusion of the foregoing amendments, we support the enactment of S. 563.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 10, 1981.

Hon. WILLIAM S. COHEN,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We have prepared the following inserts for the transcript of the May 11, 1981, hearing before the Select Committee on Indian Affairs on S. 563, the "Tribal-State Compact Act."

On page 32, line 5, insert the following:

"Consistent with both the Department of the Interior's recommendation on the funding provisions and the testimony of Mr. James Canan indicating that any Federal funding would be limited to those funds already appropriated for the particular program prior to the compact or agreement, i.e., law and order program, we offer the following modification of our proposed amendment to section 102 of S. 563:

Delete section 102 in its entirety and in lieu thereof insert the following:

'FUNDING AND IMPLEMENTATION—FEDERAL ASSISTANCE

SEC. 102. To the extent consistent with other Federal statutes (and regulations implementing such statutes), each Federal department or agency may provide funds, technical assistance, personnel, and other material support to aid tribal and State authorities in implementing agreements or compacts entered into pursuant to this Act. The provision of such Federal funds, assistance, personnel, or support shall not be for the purpose of, or result in, reducing the level of tribal or State expenditures with respect to tribal or State responsibilities or activities connected with the agreement or compact involved.' "

On page 41, line 21, insert the following:

"Mr. Canan spoke with former Montana State Senator William R. Lowe (R-District 33) and Montana State Carroll Graham (D-District 29) who supported the concept of this proposed legislation."

Thank you for this opportunity to provide this material to the Select Committee.

Sincerely,

THEODORE J. GARRISH,
Legislative Counsel.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 563, as amended.

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